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# **Iowa Land Records**

## **A Brief History**



## ◆ Agenda

### – ILR – A Brief History

- » Origin of CLRIS – 2003
  - ◆ How ILR Was Created
- » 2005 Launch and Controversy
  - ◆ Polk County, Audits
  - ◆ Fund 255, 823 and Treasury Management
  - ◆ Governance – 28E
- » 2006 – E-Submission System Completed
- » 2007 – Transition From Development to Maintenance
  - ◆ Sustainability - Budget
  - ◆ Future Improvements
- » Sale of Bulk Data
  - ◆ Current Practices
  - ◆ Alternative Delivery To Heavy users



**◆ The Purpose of the County Land Record Information System is to ...**

- Create a Statewide Land Record Indexing and Imaging Database**
- Make Land Record Information Accessible through the Internet**
- Enable Electronic Submission of Documents for Recording**



### **The CLRIS Project had Two “Simple” Activities**

- Design and Build the CLRIS Application**
  - » Create a Very Large Database**
  - » Create Standard Formats**
  - » Provide Access Through the Internet**
    - ◆ Enable Search and Retrieval of Indexes and Images**
  
- Help Recorders Participate in CLRIS**
  - » Align With 99 Systems and Business Rules**
  - » Align With Seven Different Local Indexing and Imaging Service Providers**
  - » Align With Multiple Image Formats**
  - » Enable Data Export from Local Systems to CLRIS**



### **◆ Status – Through September 2, 2008**

- The Iowa Land Records Portal has been completed**
- All Counties Connected and Uploading Data**
- 36,000+ Registered Users**
- 10,000,000+ Document Records**
- Centralized Hosting, Customer Service and Accounting**
- Now Version 2.14**



### **◆ Status**

- The Iowa Land Records E-Submission Service has been completed**
- 96 Counties Able to Accept Electronic Submissions**
  - (As of September, 2008)**
  - » Association Policy to Process within 1 Business Day!**
  - » Mortgages, Satisfaction of Mortgage, Power of Attorney, Assignments, Deeds, UCC**
  - » Groundwater Hazard – DNR Access**
  - » 28E Documents**
  - » Integration with Ingeo and Simplifile**
- Based on PRIA/MISMO Standards**
  - » Preparing for PRIA/MISMO Version 3.0**



### **◆ Iowa Experience**

- Early E-Submissions (2007)**
  - » Few Banks and Law Firms**
- Now (2008)**
  - » Third Party Submitters**
  - » 2500 Electronic Recordings Per Month**
  - » Nearly 30,000 Electronic Records Since 2007**
  - » \$1,000,000.00 in Recording Fees and Transfer Taxes Paid Electronically**
  - » All Counties (Except Hamilton, Pottawattamie and Black Hawk)**



### **◆ Iowa Experience**

#### **– Other Highlights**

- » **Only Statewide System**
- » **Every Connected County Has Processed Electronic Documents**
- » **All Document Types Accepted**

#### **– ILR E-Submission A “Utility Model”**

- » **Open Access to all qualified Submitters**
- » **Browser Interface or Third Party Systems Permitted**



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# **Iowa Land Records**

## **Privacy Issues**

### **A Brief Review**



## ◆ **The Recorder's Index**

- **Public Notice of Real Estate Transactions**
  - » **Protect Property Rights and Prevent Fraud**
- **Key Index Information**
  - » **Document Reference Numbers**
  - » **Date of Recording (Order Matters)**
  - » **Names of Persons and Organizations in Real Estate Transactions**
  - » **Legal Description**
  - » **Document Type**
  - » **Associated Document References**
- **Other Information**
  - » **Document Images**



## ◆ **The Recorder's Index**

### **– Information NOT Indexed**

- » **Street Address**
- » **Social Security Numbers**
- » **Account Numbers**
- » **Birth Dates**

### **– Document Images**

- » **May Include Other Information If Not Redacted**
- » **Recorders Do Not Edit Original Documents**
- » **Recorders “Record” The Documents Presented**
- » **Public Records Under Section 22.2 (Iowa Code)**



- Foundation of Initial ILR Privacy Policies**
  - ◆ Public Records Custodians
  - ◆ Role of Preserving and Providing Access
  - ◆ Practice of Local Access and Bulk Sales
  - ◆ Legislation Directing Free Access
  - ◆ Capacity For Individual Redaction
  
- Changes In ILR Privacy Policies and Circumstances**
  - ◆ Ombudsman Concerns Re: Tax Liens
  - ◆ 2002 SSN Legislation
  - ◆ Switch from “Redax” to “Acrobat”
  - ◆ 2005 ILR Became a Public 28E (ILR records became public)
  - ◆ 2006 Redaction RFI
  - ◆ Actions to Upload Pre-2004 Indexes and Images
  - ◆ 2007 Personal Information Legislation



## ◆ **Data Tree Agreement**

- **First American/Data Tree Had Access To the Records**
  - » **Public Records Access - Similar To Local Practices**
- **Data Tree High Usage of ILR Search Tools**
- **Discussion of Alternative “Bulk” Delivery**
- **Draft Agreement Prepared**
- **Action Deferred Pending Legislative Review**
- **Fees Would Be Primarily Distributed To Counties**
- **Model For Other State or Local Organizations**
  - » **Intent To Make Available On Same Basis**
- **If Recorders Shouldn't Provide Electronic Access to Data Tree, Then We Probably Shouldn't sell CDs or Data Files To Other Companies Either**



## ◆ **Recent Privacy Concerns**

- **Focus On Social Security Numbers**
  - » **Concerns About Other Information**
    - ◆ **Account Numbers**
    - ◆ **Birth Dates**
- **Real Estate Records are “Public Records”**
  - » **Iowa Code Sections 331.607 and 22.2**
- **The “Preparer” Determines the Content of the Records**
- **Since 2002 Social Security Numbers Prohibited – Expanded in 2007 To Include Account Numbers**
  - » **Liens Exempt From Prohibition**



## ◆ **Recent Privacy Concerns**

- No Known Cases of Fraud or Identity Theft**
- Precautions Included:**
  - » Images of State and Federal Tax Liens Restricted**
  - » User Registration**
  - » No Private Information Included In Index Data**
  - » Individual County Redaction Policies**
  - » ILR Redaction Upon Request Consistent With 2007 Law**
  - » All Real Estate Documents are Public Records Accessible in Any Courthouse – under the law - people have a right to examine, copy, publish or otherwise disseminate those records**



## ◆ **Post Labor Day Events**

- **Notified of Social Security Number Concerns 9.2.08**
- **Identified Documents and Followed Redaction Policy**
- **Responded to Media Inquiries**
- **Communicated with Governor's Office**
- **Temporarily Restricted Access To Mortgages and UCC documents (in addition to liens)**
- **Became Aware of Redacted Document Circumvention**
- **Disconnected Image Repository 9.9.08**



### ◆ “Hacker”

- In a security context, a hacker is someone involved in computer security/insecurity, specializing in the discovery of exploits in systems (for exploitation or prevention), or in obtaining or preventing unauthorized access to systems through skills, tactics and detailed knowledge. In the most common general form of this usage, "hacker" refers to a black-hat hacker (a malicious or criminal hacker). There are also ethical hackers (more commonly referred to as white hats), and those more ethically ambiguous (grey hats).
- The context of computer security hacking forms a subculture which is often referred to as the network hacker subculture or simply the computer underground. According to its adherents, cultural values center around the idea of creative and extraordinary computer usage. Proponents claim to be motivated by artistic and political ends, but are often unconcerned about the use of criminal means to achieve them.
- From Wikipedia



## ◆ Tactics

- **“by exposing the county workers to the threat of identity theft, they will realize the threat to which they are exposing others”**
- **“Penalties need to be set in next years legislature for site operators allowing SSNs for download on the Internet. We need to establish paper trails at the recorder offices because SSNs are currently available for anonymous walk in downloads there as well. I should never be able to find out someone else’s SSN just by taking an undocumented trip to the courthouse.”**



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# **Iowa Land Records**

## **Current Status & Options**



## ◆ Iowa Land Records Current Status

- The ILR E-Submission Service is Fully Operational
- Due To Recent Privacy Concerns - Image Repository Is Disconnected Until Further Notice
- Land Record Index Search Is Working
  - » Updates Since September 9 Disrupted
- Several County Web Sites Are Now Restricted
- For Now – Records Examination Occurs at the Courthouse
  - » Personal Information Still Accessible There
  - » Anyone May Request “Certified Copy”



## ◆ Next Steps

- Exploring Options for Image Redaction
  - » Request For Information Published
  
- Exploring Technical Options
  - » Increased Web Site Security and Stronger User Registration Policies
  - » New Image Repository For “Clean” Images



## ◆ **Policy Questions**

- **Personal Information Definition**
  
- **Before Implementing a Broad Redaction Policy  
... What Definition Should be Used?**
  - » **Social Security Numbers**
  - » **Account Numbers**
  - » **Other Information?**
  - » **Law Enforcement?**
  - » **Death Certificates?**



## ◆ Policy Questions

- **Public Records Definition**
  - » **Local Records AND ILR Data and Images are Public Records**
  
- **On What Basis Can County Recorders or Iowa Land Records Deny Access to Unaltered Images?**
  - » **Certified Copies**
  - » **Data CDs or Other Formats**
  - » **Defined as “Confidential”?**



## ◆ Policy Questions

### – Security Options

- » More Detailed Registration Information
- » Self Registration With Payment
- » Application Process
  - ◆ Define “Trusted User”
  - ◆ Qualifications?
- » What Would Constitute a “Breach”? Does “breach” apply to public records?



## ◆ Policy Questions

### – Redaction

- » Acceptable Error Rate?
- » Individual Redaction Requests?
- » Value of Redacted Images?



## ◆ Policy Questions

### – Disaster Recovery

- » Secure Image Repository for Unaltered Images?
- » Public Image Repository for Redacted or “Clean” Images Only?



## ◆ Considerations

- **Is There An Option That Can Provide a 100% Guarantee - No Personal Information In A Public Record Is Exposed?**
  - » **What Standard of Accountability For Providing Access to Public Records?**



## ◆ Considerations

### – Cost? High Level Estimates ...

#### » Systematic Redaction

◆ Florida \$0.0235 per image. Estimated 35 million images. \$800,000 - \$1,200,000

◆ RFI Published. RFP Pending.

#### » Development Work for New Registration Security, Redaction Support, Image Migration

◆ ABCV Draft Proposal

– \$200K-\$250K

#### » New “Clean” Image Repository and Related Activity (New Equipment, Configuration and Image Handling)

◆ \$250K



## ◆ Possible Interim Step

- **January 1, 2008 forward**
  - » **New Image Repository**
  - » **No “Guarantee” of Images With No Personal Information**
  - » **Permanent Redaction If Discovered**
  
  - » **Acceptable to Stakeholders, Governor, Ombudsman, Legislators, Privacy Activists?**
  - » **Commitment To Long-Term Plan for Redaction and Higher Security?**
  
  - » **Iowa Land Records Currently Operating On a Maintenance Only Budget**
  - » **Remaining Reserve Funds Would Be Consumed**



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# Questions and Comments